

## NONCONFORMANCES

### Sections [90.185 KZC](#)

The following information summarizes the allowances and requirements for improvements that do not conform with the requirements for critical areas and critical area buffers and setbacks. Detailed information may be found in the [Kirkland Zoning Code, Chapter 90](#).

- A nonconforming **detached dwelling unit** may be replaced/reconstructed at the same size and dimensions if built on same foundation. If a new foundation is needed, the dwelling unit must be relocated out of the critical area buffer to the maximum extent possible. If the new foundation is needed due to casualty damage (fire, earthquake, etc.), the Code contains an exception to the relocation requirement. **Upper floor additions** may be added to an existing home if they do not encroach into the buffer beyond the existing structure.
- For nonconformances **other than detached dwelling units**, there is a limit on replacement/reconstruction based on the cost/value of the work. If the cost of the construction (repair, replacement, additions) exceeds 50 percent of the assessed or appraised value of that improvement, whichever is greater, then the structure and improvements shall be brought into conformance.
- Nonconforming structures may be **expanded** if they do not increase the nonconformance (e.g.; adding expansion outside the buffer or adding an upper floor that does not extend further than existing exterior wall). However, the critical area buffer will be required to meet the vegetative buffer standards of [KZC 90.130](#) if more than 1,000 square feet of impervious surfaces are added to the subject property. If less than 1,000 square feet of impervious surfaces are added, then a partial vegetative buffer must be provided based on 1 square foot of vegetated buffer for each square foot of added impervious.
- **Limited expansions** of nonconforming structures are permitted as outlined in [KZC 90.185.6](#) and in **Plate 26** below. Only a **one-time expansion** is permitted for each of the options. Expansion must be attached to existing structure and not added to another expansion:
  - 1,000 square footprint addition opposite of the buffer
  - 500 square footprint addition into the 10 foot structure setback of Section 90.140.1
  - 500 square footprint addition no closer to the buffer than the existing structure; but the buffer width must be no less than 60% of required buffer width standard.
  - 250 square footprint addition closer to the buffer than the existing structure; but the buffer width must be no less than 60% of required buffer width standard.A **partial vegetative buffer** (1:1 ratio) is required for each expansion.
- When a vegetative buffer plan is required, a plan for the full or partial vegetative buffer and associated monitoring and maintenance must be submitted with the building permit. The plan shall be prepared by a qualified critical area professional and requires peer review by the City's consultant at the applicant's expense.
- The vegetative buffer will require monitoring and maintenance consistent with [KZC 90.160](#) and securities consistent with KZC 90.165.

## Plate 26

### Expansion of Nonconforming Building Located in Critical Area Buffer

